

Rationale for Government Resolution No. 200 of 26 February 2021

General

With regard to the fact that the most common epicenters of the COVID-19 disease in an overall evaluation are schools and school facilities, including kindergartens (1254), the operation of schools and school facilities is further restricted.

The restriction of school and school facility operations is ordered, in that the personal presence of children, pupils and students in education is restricted (meaning that the operation of kindergartens and all levels of primary school, including schools and classes established pursuant to Section 16(9) of the Schools Act is restricted). Furthermore, the operation of educational and accommodation facilities is restricted, in that accommodation is provided only to pupils and students who do not have another dwelling in the Czech Republic or who participate in in-person learning pursuant to this crisis measure. Sports activities and singing are also restricted, in that they cannot be a part of learning with the exceptions pursuant to this crisis measure.

The COVID-19 epidemic caused by the novel SARS-CoV-2 coronavirus is continuing in the Czech Republic. The current epidemiological situation is very unfavorable, the rising trend persists and the risk of the further spread of COVID-19 is very high. The current values this week exceed the values of last week on average, and we have observed higher growth over some time, which is about 7.3%, a situation that is highly risky. We are currently seeing high figures which continue to get higher. The value of the 7-day average is 9367 cases, which also indicates a very high risk and the risk potential for further worsening, especially in the most affected areas. More detailed information about the degree of the spread of the epidemic and related information is published every day at the Ministry of Health's website onemocneni-aktualne.mzcr.cz.

When viewing the current dynamic of contagion and predictive development scenarios, no major improvement in the situation can be expected in the coming days or weeks, i.e., lower thousands, and in the coming days high numbers of newly diagnosed cases of COVID-19 in the higher thousands (workdays) can be expected, because the disease is still spreading massively through the population (community transmission).

The number of hospitalizations in intensive care, which are very important because they reflect the current impact of the epidemic and indicate the risk level of the current situation, are around 1400 and rising slightly. Currently there are 1433 patients hospitalized in ICU, which is a massive burden. The number of patients who require highly intensive care is similar (UPV + ECMO: 717 + 27 patients), remaining at very high values. Hence, the situation is very risky and the burden on hospitals is high - this applies particularly to intensive care.

During the epidemic spread of an infectious disease, there is a risk that without the adoption of extraordinary measures, the infection will spread uncontrolledly through the population, possibly exhausting the healthcare system's capacity for isolation and treatment, with a fundamental impact on the population's health. The most dangerous is parallel spreading, where one infected person simultaneously infects more than one person, thus leading to a massive spread of the infection through the population.

The crisis measure, along with the other valid extraordinary measures, is focused so as to ensure a wide range of specific measures that take into account preliminary caution in connection with the further spread of the COVID-19 disease.

The aim of the crisis measures is to restrict certain activities or services, whereas this restriction is important particularly in the case of person-to-person contagion of infectious diseases, as is the case of COVID-19. In the case of a serious infection, which is spread through contaminated droplets (aerosol), it is essential to avoid concentrations of people especially in closed spaces,

while stipulating other conditions regarding their staying in such places. For this reason, it is necessary to use instruments to regulate operations in such locations.

One of the key measures is to restrict contacts between individual persons and limit the movement of persons to the essential minimum. At schools and school facilities, there is a high level of contacts between individual children/pupils/students and teaching staff. It is not currently possible to define the operation of schools and school facilities without leading to the massive movement and meeting of persons and the consequence spread of the infectious disease. Attendance at schools and school facilities is associated with increased mobility and social contacts during transportation. Due to the closing of schools, these contacts are limited.

This is documented e.g., by the study *Ranking the effectiveness of worldwide COVID-19 government interventions*, which states i.a., that the latest relevant scientific studies ran this non-pharmaceutical intervention (NPI) among the most effective tools through which society can limit the further spread of the contagion, apart from vaccination and therapy. According to the study, the closing of educational institutions is the second most effective non-pharmaceutical intervention, after the restriction of congregation, whereas on a scale of efficacy from 0% to 100%, the study gave this measure an effective rate of 73% and in absolute numbers, the ability to reduce the effective reproduction number R_t in a range from 0.15 to 0.21. Based on this study, the relevant data also clearly prove that the closing of schools has a positive impact on reducing the incidence of contagion and related deaths by up to 60%.

A similarly definitive conclusion, i.e., the clear observation of the key importance of closing schools in fighting the spread of contagion, is presented in the study *Inferring the effectiveness of government interventions against COVID-19*², which states i.a., that the concurrent closing of schools and universities is able to reduce the effective reproduction number R_t by a full 38%, which when compared corresponds approximately to the effect of restricting the congregation of persons in groups of more than 10 individuals (this measure achieved a result of 42%) and the closing of high-risk establishments (this measure achieved a result of 27%). The study also states that despite the fact that young people aged 12 to 25 years often have an asymptomatic course of the illness, the quantity of virus released by them does not differ substantially from the rest of the population, which combined with increased mobility and the number of social contacts in this age category poses a major threat to the lives and health of those population groups which are more seriously threatened by a severe course of the disease caused by the coronavirus identified as SARS-CoV-2. Furthermore, according to the cited study, experience with the opening of schools in Great Britain clearly showed that, despite strong simultaneously-adopted safety measures, there was a major spread of contagion in the order of tens of thousands of new infections daily after this easing in September 2020. In summary, according to the study it also applies that if the epidemic situation without the adoption of any non-pharmaceutical interventions had an average effective reproduction number R_t of around 3.3, then the concurrent closing of high-risk establishments, schools and universities and the restriction of congregation in groups of more than ten individuals would demonstrably be capable of reducing the value of the effective reproduction number R_t to below 1.0, meaning a value associated with a decline in the number of newly-infected people.

With regard to the community character of transmission of the disease, it is presently necessary to adopt blanket measures covering the territory of the entire Czech Republic. The adoption of only

¹ Haug, N., Geyrhofer, L., Londei, A. et al. Ranking the effectiveness of worldwide COVID-19 government interventions. *Nat Hum Behav* 4, 1303-1312 (2020). <https://doi.org/10.1038/s41562-020-01009-0>.

² Brauner, J. M. et al., *Inferring the effectiveness of government interventions against COVID-19*. <https://science.sciencemag.org/content/early/2020/12/15/science.abd9338>.

partial measures applied to the territory of certain regions or otherwise defined areas would not lead to the desired objective in the current epidemic situation.

Given the aforementioned rising numbers of infected and hospitalized persons, it is necessary to undertake the complete restriction of the operation of schools and school facilities, with certain justified exceptions, and switch entirely to remote learning. Remote learning at least partly compensates the prohibition of the personal presence and preserves the right to an education. Exercising the constitutionally guaranteed right to an education is not suspended in connection with adopting this crisis measure, because pupils and students are still provided with education in the "best available form."

The restriction of personal mobility and the related limitation of risk contacts and the reduced probability of contagion is the basis of all the adopted measures, both in the Czech Republic and in other countries. Population mobility as an indirect factor affecting the number of contacts provably correlates to the speed of spreading the disease, but the relation must always be assessed with a 14-day delay. This means that the high-risk increase of mobility will become apparent in the spread of the epidemic after about 10-14 days. The opposite also applies, where the effect of reducing high-risk mobility can be observed only after the specified time delay. The high values of COVID-19 incidence began towards the end of 2020, when the reproduction number reached values of about 1.5. The time correlation with increased mobility in this period is statistically proven.

From May 2020 until the present, the most common sites of outbreaks of COVID-19 were school facilities, including kindergartens (1254), followed by social service facilities (715) and healthcare facilities (314), and workplaces (281), with a prevalence of manufacturing plants (141).

After closing schools (except for kindergartens) from 14 October, there has been a decline and elimination of contagions at primary and secondary schools, but after some children and students returned to schools from 18 November and 30 November, an increase was observed at primary and secondary schools. Following a decline during the Christmas holidays, a rise was observed again at kindergartens and primary schools since the start of 2021.

After the closing of schools (except kindergartens) from 14 October, the number of newly-diagnosed positive teachers and professionals in the school system ceased and gradually declined, but after some children and students returned to schools from 18 November and from 30 November, the figures rose again, culminating in the first week of 2021, followed by a decline and increase again in February 2021.

The operation of accommodation facilities is also restricted to the essential minimum (see below), thus significantly reducing the number of social contacts.

The highest-risk activities during education, during which the possibility of the airborne spread of the virus is strongly increased, are also prohibited - sports activities and singing with the exceptions specified below.

Despite the given reasons for restricting the operation of schools and school facilities, there are noteworthy reasons for which an exemption from the given restriction is granted.

Re: point I/1 - restriction of universities

An exception from the prohibition applies to holding examinations with a maximum of 10 people attending. At university, it is not possible to hold certain examinations remotely, and for this reason the holding of in-person examinations is permitted to avoid obstructing studies. Furthermore, the maximum capacity of persons at an individual examination is limited to reduce the risk of the

transmission of the coronavirus.

The exception pursuant to letter a) is permitted because students in medical and pedagogical fields, as part of their practice, perform activities directly at healthcare facilities or social service facilities. These are generally students who have already acquired the required competences during study and can thus perform those activities which would otherwise be reserved to hospital or school staff. With their activities, these students may significantly help the relevant healthcare facilities, which may be facing a shortage of their own staff due to the coronavirus. The same applies to students in pedagogical fields, whose participation in practice may help the already burdened sector of schools and school facilities.

The exception under letter b), as in the case of examinations, allows the conducting of admission procedures, provided that they are attended (at one moment in one room) by maximally 10 persons. In many cases, admission procedures cannot be conducted based only on an assessment of written references, meaning that in-person tests or evaluations of the applicants' talent must be performed, which cannot be carried out remotely. In order to limit the risk of coronavirus transmission, the maximum number of people who can attend the admission procedure simultaneously is limited, naturally while observing all the hygienic measures.

The exception under letter c) allows individual consultations, during which only the student and relevant academic worker are present. In these cases, by observing the other anti-epidemic measures (in particular covering the nose and mouth) and observing hygienic measures, the risk of transmission of the coronavirus is minimized. Furthermore, this exemption enables the supplementation of education through personal detailed consultation in those areas which were not entirely clear to the student during remote learning, etc.

Re: point I/2 - prohibition of providing accommodation to university students

The exception under point 2 is essential so that persons who do not have another dwelling in the Czech Republic can remain at their accommodation facility; this option is logically also preserved for persons who are allowed to partake in in-person learning.

Re: point I/3 - restriction of operation of secondary schools and specialized colleges and conservatories

The exception under point 3(a) and (b) is stipulated because in these cases there is control over the movement and meeting of persons. These are facilities for a pre-defined group of people, who move about one facility (self-contained or even closed). There is not a high degree of contacts with persons other than those placed in the facilities for institutional or protective education, respectively facilities established by the Ministry of Justice. Hence, these persons meet in any case and there is no reason to limit their meeting within the school, respectively during education.

The exception under point 3(c) allows the pupils and students of medical fields to partake in education within practical training and practical preparation directly at healthcare facilities and social service facilities. These are pupils or students who acquire competences e.g., in the position of caretakers or orderlies and may, under supervision or independently, perform those activities that would otherwise be reserved to such staff. With their activities, these pupils and students may significantly help the relevant healthcare and social facilities, which may be facing a shortage of their own staff due to the coronavirus.

The exception under point 3(d) allows one pupil or student to meet with the teacher at individual consultations. In these cases, by observing the other anti-epidemic measures (e.g., covering the nose and mouth) and observing hygienic measures, the risk of transmission of coronavirus is minimized and the education can be carried out within personal detailed consultation in those areas

which were not entirely clear to the pupil during remote learning, etc. The exception will also allow schools to provide education to pupils for whom remote learning is inappropriate or who cannot participate in it. Through individual consultations, the equal right to fair access to an education will be preserved while ensuring health and safety to the greatest possible extent.

The exceptions under letter e), f) and g) are stipulated for selected examinations. The remote conducting of these examinations may in many cases be problematic or unfeasible. This applies especially for final and school-leaving examinations or discharge examinations, which cannot be possible e.g., by means of a practical examination performed remotely. In the case of admission examinations, in many cases these examinations cannot be conducted only based on an assessment of written references, meaning that in-person tests or evaluations of the applicants' talent must be performed; this applies especially e.g., to talent examinations. Under letter g), in-person commission-based corrective and substitute examinations are permitted, which are performed in this school year by pupils in the final years of secondary schools and conservatories pursuant to the general measure issued pursuant to Section 184a of the Schools Act.

Re: point I/4 - restriction of the operation of primary schools

The exception under point 4(a) and (b) is stipulated because in these cases there is control over the movement of persons and meeting between them. There is not a high degree of contacts with persons other than those placed in the facilities for institutional or protective education, respectively facilities established by healthcare facilities. At present, there is no reason to restrict the provision of education in these cases, where the children are together at the given facility practically all day.

The exception under letter c) allows one pupil to meet with the teacher at individual consultations. In these cases, by observing the other anti-epidemic measures (e.g., covering the nose and mouth) and observing hygienic measures, the risk of transmission of coronavirus is minimized and the education can be carried out within personal detailed consultation in those areas which were not entirely clear to the pupil during remote learning, etc. The exception will also allow schools to provide education to pupils for whom remote learning is inappropriate or who cannot participate in it. Through individual consultations, the equal right to fair access to an education will be preserved while ensuring health and safety to the greatest possible extent.

Regarding point I/5 - restriction of preschool education

Preschool education in in-person form is not permitted in order to reduce personal mobility and the possibility of contagion. Children who have mandatory preschool education are obliged to switch to remote learning.

The exception under letters (a) and (b) is stipulated because in these cases there is control over the movement of persons and meeting between them. There is not a high degree of contacts with persons other than those placed in the facilities for institutional or protective education, respectively facilities established by healthcare facilities. At present, there is no reason to restrict the provision of education in these cases, where the children are together at the given facility practically all day.

Re: point I/6 - restriction of elementary artistic and language education

The exception under point 5 allows the holding of state language examinations under systemic measures. State language examinations cannot be held remotely, or only with great difficulty, which is why they are granted an exception.

Re: point I/7 - restriction of operation leisure centers The operation of leisure centers is not possible. It is not feasible to define hygienic rules for the operation of leisure centers so as to minimize contagion. Participants from various schools meet here, leading to excessive contact with third parties.

Re: point I/8 - restriction of operation of school groups and school clubs

Education at primary schools is moved entirely into remote learning mode. In this connection, the operation of school groups and school clubs is prohibited.

Re: point I/9 - restriction of operation of educational and accommodation facilities

The exception under point 8 is essential so that persons who do not have another dwelling in the Czech Republic can remain at their accommodation facility; this option is logically also preserved for persons who are allowed to partake in in-person learning.

Re: point I/10 - restriction of sports activity as a part of education

Exception under point 9

The exception under letter a) is stipulated because the exercise for children at kindergartens is an integral part of many activities and education would suffer from the absence thereof. It also applies that children do not wear nose and mouth protection at schools, meaning that the prohibition of sports activities would not reduce the risk of virus transmission in any relevant manner.

The exception under letter b) is stipulated because sports activity is the main educational activity for these pupils and students, and its prohibition would obstruct their education. If this exception were not stipulated, this would limit the education of these pupils and students only to secondary or optional subjects.

Re: point I/11 - restriction of singing as a part of education

The exception under letter a) is stipulated because singing is an elementary part of education at kindergarten, children at kindergarten do not wear nose and mouth protection at schools, meaning that the prohibition of singing would not reduce the risk of virus transmission in any relevant manner.

The exception under letter b) is stipulated because singing is the main educational activities for these pupils and students, and its prohibition would obstruct their education. If this exception were not stipulated, this would limit the education of these pupils and students only to secondary or optional subjects.

Re point I/12 - prohibition of access to schools for third parties

In order to reduce the epidemic risk consisting of the risk of contagion from third parties, it is stipulated that access by third parties is possible only in the essential cases, where contact between third parties with persons on school premises is limited. An essential case is e.g., the fulfillment of the school's contractual obligations or the access of legal guardians as escorts, etc. In all cases, it is necessary to observe the limitation of contact between third parties and persons on school premises (typically with pupils and school staff).